

REMARKS

Claims 15-62 were pending in the Application before entrance of the present Amendment. Claims 15, 27, 39, 47, 50, 52, 56, and 60 have been amended. Support for the amendments to claims 47, 56, and 60 can be found on page 257, line 5, through page 258, lines 31, of the originally filed specification. Support for the amendments to claim 15, 27, 39, 50, and 52 can be found in the original versions of these claims. New claim 63 has been added. Support for new claim 63 can be found on page 141 of the specification (see Example 70). Applicant submits that no new matter has been added by these amendments.

Based on the Request for Continued Examination being filed herewith, Applicant respectfully requests reexamination and reconsideration of the case, as amended. Each of the remaining rejections in this case is addressed individually below.

I. Rejection under 35 U.S.C. § 112, first paragraph. The Examiner has maintained the rejection of claims 47, 56, and 60 under 35 U.S.C. § 112, first paragraph. Without appearing to agree with the Examiner's argument, Applicant has amended claims 47, 56, and 60 to recite the specific cytokines (*i.e.*, tumor necrosis factor-alpha and interferon-alpha) which are induced upon administering an inventive compound to an animal. The induction of the biosynthesis of these cytokines may be tested by the protocols described in the specification (see page 257, line 5, through page 258, line 32). In particular, the induction of interferon-alpha and/or tumor necrosis factor-alpha by the claimed compounds may be tested in human peripheral blood mononuclear cells using the protocol described in the specification. Therefore, Applicant requests that the rejection be removed.

III. Provisional Obviousness-Type Double Patenting Rejection. Claims 15-38, 46-47, and 52-60 stand provisionally rejected over claims 4-13, 23-49, 55-75, 78-79, 81-87, 89-111 of Lindstrom *et al.*, US 2007/0060754 (U.S.S.N. 10/595,230, filed March 28, 2006, international filing date of October 1, 2004) for obviousness-type double patenting. Since the present application is the earlier filed application with an international filing date of August 27, 2004, Applicant requests that

the Examiner withdraw the obviousness-type double patenting rejection in this case and allow the present application to issue.

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is requested.

Please charge any fees, or credit any overpayments, to our Deposit Account No. 23/2825, under Docket No. C1271.70021US02, from which the undersigned is authorized to draw.

Dated: December 8, 2009

Respectfully submitted,

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